

1 Dario de Ghetaldi (126782)
Jerry E. Nastari (151756)
2 Amanda L. Riddle (215221)
3 **COREY, LUZAICH, PLISKA,**
4 **DE GHETALDI & NASTARI LLP**
700 El Camino Real, P.O. Box 669
Millbrae, CA 94030
5 Telephone: (650) 871-5666
Facsimile: (650) 871-4144
6 Email: deg@coreylaw.com
jen@coreylaw.com
7 alr@coreylaw.com

8 *Counsel for Plaintiffs*
9 *Charles P. Haggarty and Gina M. Haggarty*

10 [Additional counsel shown on signature page]

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 CHARLES P. HAGGARTY and GINA M.
14 HAGGARTY,

15 Plaintiffs,

16 vs.

17 WELLS FARGO BANK, N.A.,

18 Defendant.
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Case No. CV 10-2416 CRB

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING AMENDED CLASS ACTION
COMPLAINT AND RESPONSIVE
PLEADINGS**

Date: November 12, 2010

Time: 10:00 a.m.

Place: Courtroom 8, 19th Floor

Complaint Filed: June 1, 2010

Honorable Charles R. Breyer

1 Plaintiffs Charles P. Haggarty and Gina M. Haggarty and Defendant Wells Fargo Bank, N.A.,
2 by and through their respective undersigned counsel, hereby stipulate, subject to Court approval, as
3 follows, concerning the scheduling of the filing of an Amended Class Action Complaint and briefing
4 thereon.

5 **RECITALS**

6 WHEREAS, on June 1, 2010, Plaintiffs Charles P. Haggarty and Gina M. Haggarty filed a
7 federal class action complaint (“Complaint”) against Defendant Wells Fargo Bank, N.A., Case No.
8 CV 10-2416 BZ;¹

9 WHEREAS, on July 15, 2010, Defendant Wells Fargo Bank, N.A. filed a motion to dismiss the
10 Complaint and the hearing is currently scheduled for November 12, 2010;

11 WHEREAS, on October 19, 2010, Defendant Wells Fargo Bank, N.A. agreed to take its
12 Motion to Dismiss off-calendar and to allow Plaintiffs Charles P. Haggarty and Gina M. Haggarty
13 leave to file an amended class action complaint by November 5, 2010; and

14 WHEREAS, the parties agree to the following briefing schedule: Defendant may file a
15 responsive pleading or motion by December 10, 2010, Plaintiffs Charles P. Haggarty and Gina M.
16 Haggarty may file an opposition brief by December 24, 2010, and Defendant may file a reply brief by
17 January 14, 2011. Hearing on any motion to dismiss will be set for January 28, 2011.

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27 ¹ On July 2, 2010, the action was reassigned to the Honorable Charles R. Breyer for all further
28 proceedings. (See Docket (“Dkt.”) No. 8.)

1 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiffs Charles P.
2 Haggarty and Gina M. Haggarty and Defendant Wells Fargo Bank, N.A., through their respective
3 counsel of record, as follows:

- 4 1. The November 12, 2010 hearing on Defendant's Motion to Dismiss will be taken off-
5 calendar.
- 6 2. Plaintiffs may file and serve an amended class action complaint by November 5, 2010.
- 7 3. Defendant may file and serve a responsive pleading or motion by December 10, 2010.
- 8 4. Plaintiffs may file and serve an opposition brief by December 24, 2010.
- 9 5. Defendant may file and serve a reply brief by January 14, 2011.
- 10 6. Hearing on any motion to dismiss shall be held on January 28, 2011.

11
12 DATED: October 20, 2010

BY: /s/ Nicole Lavallee

13 Nicole Lavallee (165755)
14 Julie J. Bai (227040)
BERMAN DEVALERIO
15 One California Street, Suite 900
San Francisco, CA 94111
16 Telephone: (415) 433-3200
Facsimile: (415) 433-6382
17 Email: nlavallee@bermandevalerio.com
jbai@bermandevalerio.com

18 Dario de Ghetaldi (126782)
19 Jerry E. Nastari (151756)
Amanda L. Riddle (215221)
20 **COREY, LUZAICH, PLISKA,**
DE GHETALDI & NASTARI LLP
21 700 El Camino Real, P.O. Box 669
Millbrae, CA 94030
22 Telephone: (650) 871-5666
23 Facsimile: (650) 871-4144
24 Email: deg@coreylaw.com
jen@coreylaw.com
25 alr@coreylaw.com

Colleen Duffy-Smith (161163)
MORGAN-DUFFY-SMITH & TIDALGO, LLP
1960 The Alameda, Suite 220
San Jose, California 95126
Telephone: (408) 244-4570
Facsimile: (408) 423-8830
Email: cduffysmith@mdstlaw.com

*Attorneys for Plaintiffs Charles P. Haggarty and
Gina M. Haggarty*

DATED: October 20, 2010

BY: /s/ Jack R. Nelson

Jack R. Nelson (111863)
David J. de Jesus (197914)
Alicia A. Adornato (254228)
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105
Telephone: (415) 543-8700
Facsimile: (415) 391-8269
Email: jnelson@reedsmith.com
ddejesus@reedsmith.com
aadornato@reedsmith.com

Attorneys for Defendant Wells Fargo Bank, N.A.

I, Nicole Lavallee, am the ECF User whose ID and password was used to file this Stipulation and [Proposed] Order Regarding Amended Class Action Complaint and Responsive Pleadings. In compliance with General Order 45 ¶ X.B., I hereby attest that Jack R. Nelson, counsel for Defendant Wells Fargo Bank, N.A., concurred in this filing and that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

DATED: October 20, 2010

/s/ Nicole Lavallee
Nicole Lavallee

ORDER

Pursuant to the Stipulation of the parties, IT IS HEREBY ORDERED AS FOLLOWS:

1. Defendant's November 12 hearing on its Motion to Dismiss is taken off-calendar.
2. Plaintiffs may file and serve an amended class action complaint by November 5, 2010.
3. Defendant may file and serve a responsive pleading or motion by December 10, 2010.
4. Plaintiffs may file and serve an opposition brief by December 24, 2010.
5. Defendant may file and serve a reply brief by January 14, 2011.
6. Hearing on any motion to dismiss shall be held on January 28, 2011.

Dated: October 21, 2010

Honorable Charles R. Breyer
United States District Court Judge

